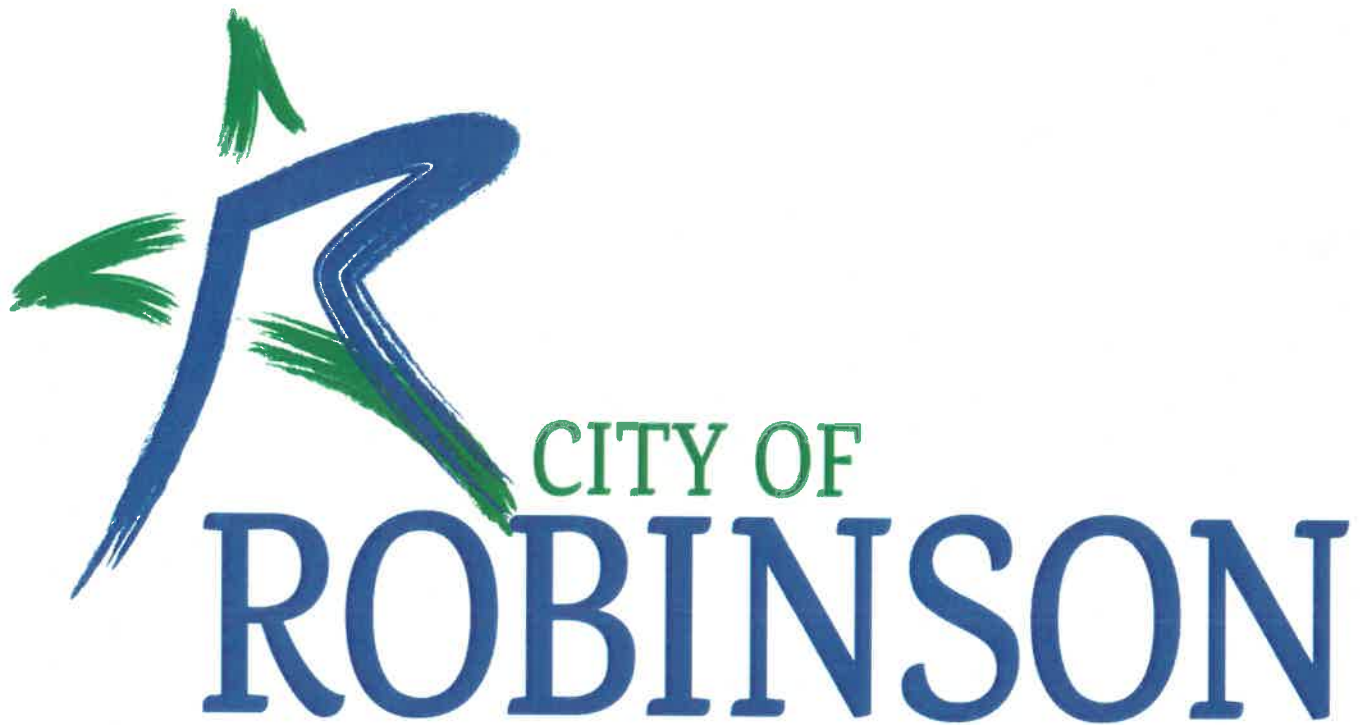




**Amended City Charter
Adopted June 1, 2021
Ordinance 2021-014**

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ARTICLE I

INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. Incorporation.

The inhabitants of the City of Robinson, McLennan County, Texas, with the corporate limits now established and a hereafter altered, shall continue to be and are hereby constituted a municipal body politic and corporate, in perpetuity under the name of the "City of Robinson", hereinafter referred to as the City, and having such powers privileges, rights duties and immunities as herein provided.

Section 1.02. Form of Government.

The municipal government provided by this Charter shall be known as the Council-Manager government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the Statutes of the State and by the Charter, all powers of the City shall be vested in elective council, hereinafter referred to as the Council, which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by the Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 1.03. General Powers of the City.

The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas, as now or hereafter adopted, enacted or amended, together with all the implied powers necessary to carry into execution such granted powers. It may use a corporate seal; may sue and be sued; may contract and be contracted with; may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the government of the State of Texas, or any agency or political subdivision thereof, or the Federal Government or any agencies thereof, or with any state or agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the City and its inhabitants; may acquire property within, or without its corporate City limits for any municipal purpose in fee simple, or any lesser interest or estate by purchase, gift, devise, lease, or condemnation, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve or control such property as may now or hereafter be owned by it, provide, however, the City shall not, sell, convey, mortgage or otherwise alienate any public utilities without prior approval of the qualified voters of the city, may exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the constitution and laws of the State of Texas; may enact ordinances and adopt such regulations as may be expedient for the maintenance of good government order, and peace of the City and the welfare, health, morals, comfort, safety, and convenience of its

inhabitants, and shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every kind and nature whatsoever, subject only to the limitations imposed by the State Constitution, the State Laws and this Charter.

The enumeration of particular powers by this Charter shall not be judged to be exclusive, and, in addition to the powers enumerated or implied herein, it is intended that the City shall have and may exercise all the powers which, under the Constitution and Laws of this State, it would be competent for this Charter to enumerate specifically.

The powers of the City under this Charter shall be construed liberally in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this article.

Section 1.04. Boundaries.

The boundaries of the City of Robinson, until changed in the manner herein provided, shall be the same as have heretofore been established, and exist on the date of the adoption of this Charter, which boundaries are more fully set out and described by metes and bounds in a document which is now and shall hereafter be kept in the office of the City Secretary.

Section 1.05. Annexation.

Territory adjacent to the City may be annexed by ordinance to the extent allowed by state law and subject to such procedural rules as may be prescribed by law.

Section 1.06. Deannexation.

In addition to other powers of deannexation as authorized by law, the council may discontinue territory as a part of said city by ordinance duly passed, to the extent allowed by state law and subject to such procedural rules as may be prescribed by law.

Section 1.07. Streets and Public Property.

The City shall have exclusive dominion, control and jurisdiction, in, upon, over and under the public streets, sidewalks, alleys, highways, squares, ways and parks within the corporate limits of the City and the extraterritorial jurisdiction thereof, and in, upon, over and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, square, park or other ways within the corporate limits of the City and the extraterritorial jurisdiction thereof, the City shall have the power to establish and maintain, improve, alter, abandon or vacate the same; to regulate, establish or change the grade thereof, to police, control and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon.

ARTICLE II

THE COUNCIL

Section 2.01. Composition and Terms of Office.

The City Council as the legislative and governing body of the City shall consist of Six (6) members elected at large by the qualified voters of the City by place, and one Mayor elected at large by the qualified voters of the City. They shall be elected for a term of two (2) years, or until their successors are duly elected and qualified, except as herein provided.

Section 2.02. Mayor, Mayor Pro Tem.

The Mayor shall preside at all meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes, for the purpose of receiving service of civil process and emergency purposes, and for military or police purposes, but shall have no administrative duties. The Mayor, as member of the Council shall be entitled to vote upon all affairs considered by the Council but shall have no veto power.

At its first meeting following each regular election of Council members, the Council shall by election designate one of its number as Mayor Pro Tem whom shall serve in such capacity for a term of one year. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor and shall have power to perform every act the Mayor could perform if present.

Section 2.03. Council Member Places and Mayor Position, Election Years.

After the adoption of the 2021 Amendment to this Charter, in following elections there shall be Six (6) numbered places for which Council Members are elected and one place for the Mayor to be elected. The Mayor place and each even-numbered Council Member places are elected in even years. Each odd-numbered Council Member place is elected in odd-numbered years. Council Members are to be elected at large, but by place. The actual identification and numbering of the places, based on past election cycles and the terms of the current office holders, shall be created by the City Council by ordinance. Any additional matters necessary to carry out this change shall be provided for by the City Council by ordinance.

Section 2.04. Indemnification.

Duly elected City officials acting in their official capacity shall be protected by the City from personal financial loss resulting from Council decisions made while in official sessions as a result of lawsuits filed pertaining to such decisions.

Section 2.05. Qualification and Eligibility.

Each of the six Council Members and the Mayor shall be a qualified voter of the State of Texas as that term is defined by the Texas Election Code and a citizen of the United States of America and each shall have been a resident of the City of Robinson for no less than twelve (12) months prior to filing for office and must continue to reside in the City for their entire term.

If any member of the Council shall at any time fail to possess any of the above qualifications, his/her office shall immediately become vacant. If any member is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the other members, his/her office shall be declared vacant at the next regular meeting of the Council.

Section 2.06. Judge or Qualifications.

The Council shall be the judge of the qualifications of its own members, and for such purpose shall have the power to subpoena witnesses and require the production of records.

Section 2.07. Vacancies.

When a vacancy occurs in the Council, the remaining members may appoint a qualified person to serve the balance of the unexpired term. If two or more vacancies exist on the Council at any one time, the Council shall call a special election for the purpose of electing council members to fill the unexpired terms of the vacated seats on the Council. It shall not be necessary to call an election, however, if the vacancies occur within the 90 days preceding a regular election. In such case, the unexpired terms, if any, shall be filled during the regular election by the person or persons having the highest number of votes for the unexpired position(s).

Section 2.08. Quorum and Voting

A simple majority of the voting members of the Council shall constitute a quorum at a regular or special Council meeting. If a quorum is present, the affirmative vote of a simple majority of the members of the Council present shall be necessary to take any action at a regular or special Council meeting, unless otherwise provided by law. Voting shall be by "For" or "Against" on roll call.

Section 2.09. Powers.

All power of the City shall be vested in the Council, except as otherwise provided by law or this Charter.

Section 2.10. Ordinances.

The City Council shall exercise its powers by oral resolution recorded in the minutes, written resolution, and written ordinances so that there will be a written record for all action. Written ordinances shall be required for every act establishing a penalty, or when required by law or this

Charter. Otherwise, the Council shall determine whether to use an oral resolution recorded in the minutes, a written resolution, or a written ordinance to exercise its powers. To be effective each resolution and ordinance shall be passed in accordance with the provisions for taking action prescribed in Section 2.08 of the Charter. Every proposed ordinance shall be introduced in written or printed form as may be required by law and the subject matter shall be clearly expressed in its title. Except as otherwise required by law, it shall be necessary that the ordinance or the caption thereof be read one time. The ordinance or caption of every ordinance establishing a penalty or creating an offense shall be published once in the official newspaper of the City of Robinson and, with the exception of emergency notices, no such ordinance shall take effect until after the date of publication. The City Secretary shall note on every ordinance whose caption and penalty clauses are required to be published, and on the record thereof, the date of publication which shall be prima facie evidence of the legal publication. Every ordinance shall be authenticated by the signature of the Mayor and the City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall be necessary to record only the caption or title or ordinances in the minutes of the Council meetings.

Section 2.11. Prohibited Acts.

(a). Holding Other Office or Being a Candidate.

No person elected to the Council shall, during the term for which they were elected or for two years after the expiration of such term, be appointed to any office or position in the service of the city. No salaried officer or employee of the city shall become a candidate for nomination or election to any publicly elected office of the city.

(b). Appointments and Removals.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c). Interference with Administration.

Except for the purpose of inquiries or investigations under Section 2.12, the council or its members shall deal with City officers, department heads, and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such City officer, department head or employee, either publicly or privately.

Section 2.12. Investigations.

The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00.

Section 2.13. Audit.

Prior to the end of each fiscal year, the Council shall designate a certified public accountant, who, as of the end of the fiscal year, shall make an independent audit of accounts, and other financial transactions of the City Government and shall submit a report, in open meeting, to the Council for approval, and to the City Manager. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City Government or any of its officers. A copy of such audit shall be kept in the office of the City Secretary subject to inspection by any citizen and officer during regular office hours. The audit shall be completed and submitted to the City Council within one hundred twenty (120) days of the conclusion of the fiscal year for which the audit is being performed.

Section 2.14. Meetings of the Council.

The Council shall set the time and place of its regular meetings. The time and/or place may be changed by ordinance or resolution. Additional meetings of the Council may be called by the Mayor, Mayor Pro Tem, or City Manager. Except as otherwise provided or allowed by the provisions of state law, or specifically permitted in the Texas Constitution, every meeting of the Council shall be open to the public. All meetings of Council, whether in regular or in executive session shall be conducted in accordance with the provisions of the laws of the State of Texas pertaining thereto.

Section 2.15. City Secretary.

The City Manager shall appoint a City Secretary. The City Secretary shall give notice of Council meetings, keep detailed minutes of its proceedings, shall authenticate by his or her signature, and record in full all ordinances and resolutions in a book kept and indexed for this purpose, and shall perform such other duties as the City Manager shall assign and those elsewhere provided in this Charter.

Section 2.16. City Attorney.

The Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas who shall be the City Attorney, who shall receive such compensation as may be fixed by

the Council and who shall hold office at the pleasure of the Council. The City Attorney shall be the legal advisor, attorney and counselor for the City, its officers and departments. The Council shall, when it deems necessary, appoint one (1) or more assistants to the City Attorney and set their compensation. The City Attorney and his/her assistants shall represent the City in litigation at such fees as may be agreed upon with the Council, but at the Council's discretion may or may not participate in litigation for the collection of delinquent taxes. Special attorney may be employed under contract for the collection of delinquent taxes and for any other purposes, at such fees, and for such length of time as the Council may prescribe.

Section 2.17. Administrative Departments.

The City Council shall appoint the City Manager, City Attorney, and the Municipal Judge. All other positions within the City shall be filled through appointment by the City Manager.

Section 2.18. Advisory Boards, Commissions and Officers.

The Council may, by ordinance, establish or abolish such advisory boards, commissions, or other advisory officers as may be deemed appropriate or desirable from time to time, and may fill such boards, commissions, or offices, by appointment of qualified residents of the City of Robinson, the function, term, and exact composition of such boards, commissions, and offices to be preserved by the ordinance.

ARTICLE III

ELECTIONS

Section 3.01. Order and Regulation of Elections.

The General City Election shall be held annually on the first Tuesday after the first Monday in November, or such other date as may be specified for a General City Election by the Texas Election Code, at which time Council Members will be elected to fill those places which become vacant that year. The election shall be ordered by the Mayor on ordinance of the Council, and the Mayor, on ordinance of the council, shall order such special elections as are authorized by state laws and the provisions of this Charter. Notice of elections shall be published as provided by state law. The Council shall appoint a presiding election judge and an alternate presiding judge. The presiding election judge shall appoint the election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The appointment of clerks and judges shall be consistent with the provision of the Texas Election Code. The Council shall also state the hours and set the places for holding each election and shall make all regulations it considers necessary or desirable, not inconsistent with this Charter or the laws of the State governing elections. The City Council may contract with the McLennan County Elections Administrator to conduct elections. Where the City contracts with the McLennan County Elections Administrator to conduct elections, the foregoing appointments are not necessary, and the election shall be carried out in compliance with

the Texas Election Code provisions for contracted elections. Voters for City elections shall be only qualified voters in accordance with State and City laws and regulations.

Section 3.02. Filing as a Candidate

A person filing as a candidate must file for a specific place on the City Council that is up for election. The places are Mayor, Place 1, Place 2, Place 3, Place 4, Place 5, and Place 6. The Mayor and even numbered places are elected in even years, and the members to fill odd numbered places will be elected in odd years. A person shall not file for more than one place on the City Council at any one election. Each place is elected at large. Any person qualified under Section 2.05 who desires to become a candidate for the Council and to have their name appear on the ballot for one place on the City Council, shall file with the City Secretary, or their representative, during regular office hours and within the filing period prescribed by the Texas Election Code, a signed application, on a form prescribed by the Secretary of State. Before certifying an applicant's name to appear on the ballot, the City Secretary shall verify that the residence stated by the applicant is consistent with the residency qualifications of the office being sought. Should an applicant be found disqualified, the City Secretary shall immediately notify the applicant and the Mayor by certified mail, return receipt requested, of the nature of the disqualification. A Council Member having one (1) year or more remaining on their term of office may not file for election to the office of Mayor prior to resigning from the office of Council Member. Notwithstanding anything to the contrary above, if a provision of this section conflicts with the Texas Election Code, the Texas Election Code controls.

Section 3.03. The Official Ballot.

The names of all candidates for the office of Council Member or Mayor shall be printed on the official ballot without party designation in the order determined in a drawing conducted by the City Secretary, all pursuant to the Texas Election Code. If two candidates have the same or similar surnames, they may be further identified in accordance with the applicable terms of the Texas Election Code.

Section 3.04. Election by Place, Majority Vote Required.

At any regular or special election, a candidate for a specific place on the City Council (including the Mayor place) must receive a majority of the votes cast for that place to be declared the winner of that place on the City Council.

ARTICLE IV

INITIATIVE, REFERENDUM AND RECALL

Section 4.01. Initiative and Referendum.

(a). Initiative. The qualified voters of the City shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, the qualified voters of the City shall have power to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

(b). Referendum. The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the qualified voters of the City shall have power to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Section 4.02. Requirements for Initiative and Referendum Petitions.

Any five (5) resident, qualified voters may commence an initiative or referendum proceeding by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Initiative and referendum petitions must be signed by qualified voters of the City equal in number to (30%) per cent of the total number of votes cast at the last regular City election, or four hundred (400), whichever is greater. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing and shall be in accordance with the terms set forth in the Texas Election Code.

Section 4.03. Filing, Examination and Certification of Petitions.

The petition for initiative or referendum shall be filed with the City Secretary, who shall, within twenty (20) days thereafter, determine whether the petition is sufficient in form and has been signed by the required number of others. The City Secretary shall promptly notify the petitioners' committee by certified mail, return receipt requested, of his or her finding. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend with the City Secretary within four (4) days after notice of its insufficiency has been received and files a supplementary petition within fourteen (14) days after notice has been received.

Section 4.04. Action by the Council.

When a petition as originally filed, or amended, is found to be sufficient, the City Secretary shall so certify to the Council as its next regular meeting. If the Council fails to adopt an ordinance proposed by initiative without change in substance or fails to repeal the referred ordinance within

thirty (30) days after the petition was certified as sufficient, it shall submit the proposed ordinance or the referred ordinance to the qualified electors of the City for approval or rejection at a regular or special election in not more than ninety (90) days from the date of the final Council vote thereon.

Section 4.05. Ballot for Initiated or Referred Ordinances.

Ordinances submitted to a vote of the electors under provision of this Article shall be submitted by ballot title, prepared in all cases by the City Attorney. The ballot title may be different from the legal title and shall be a clear, concise statement, descriptive of the substance of such ordinance. Immediately below the ballot title, the ballot shall contain the following propositions in the order indicated: "For the Ordinance," and "Against the Ordinance." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

Section 4.06. Results of Election.

- (a). If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b). If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
- (c). No ordinance which has been initiated by petition and adopted at an election by the qualified voters shall be repealed or amended by the Council within one (1) year thereafter, and no ordinance enacted by the Council and thereafter rejected by the qualified voters in an election held on petition for referendum shall be re-enacted by the Council within one (1) year thereafter.
- (d). No ordinance on the same subject as the initiated ordinance, which has been defeated at any election, may be initiated by the voters within one (1) year from the date of such election and no ordinance, the repeal of which has been defeated at any election, may be the subject of a referendum within one (1) year from the date of such election.

Section 4.07. Recall of Elected Officials.

The citizens of the City shall have the power to remove any member or members of the Council from office by recall. The power of recall may be exercised by filing with the City Secretary a petition signed by qualified voters of the City equal in number to forty (40%) per cent of the total number of votes cast at the election at which the council member who is the subject of this recall petition was last elected, or six hundred (600), whichever is greater. The recall petition shall be initiated, signed, verified and filed in the same manner as initiative and referendum petitions. The petition must distinctly and specifically point out the ground upon which the recall is predicated.

Section 4.08. Recall Election.

Within twenty (20) days after a recall petition has been filed, the City Secretary shall examine it, and if it is found to be sufficient, the City Secretary shall notify the council member(s) sought to be recalled of this action, by certified mail, return receipt requested. If the Council member(s) sought to be recalled do(es) not resign within five (5) days after such notice, the City Secretary shall submit the recall petition to the Council with a certificate of sufficiency. The Council shall order a recall election to be held not more than ninety (90) days after the date the Council received certification of the recall petition.

Ballots used in a recall election shall submit with respect to each person whose removal is sought the question, "Shall (name of person) be removed from the office of council member by recall?" Immediately below each such question the two following propositions shall be listed, one above the other in the order indicated:

"For the removal of (name of person)."

"Against the removal of (name of person)."

Section 4.09. Results of Recall Election.

When a majority of the votes cast at a recall election shall be against the recall of an elected official, the official shall continue in office for the remainder of the official's term. If a majority of the votes cast at such an election be for the recall of an elected official, the official shall be deemed removed from office regardless of any technical defect in the recall petition and the vacancy shall be filled as provided in section 2.07. An official removed from office by recall shall not be eligible to succeed himself.

Section 4.10. Limitation on Recall.

No elected official shall be subject to recall within six (6) months of his or her election to office and no elected official shall be subject to more than one recall election during any two (2) year term in office. A recall election need not be ordered by the Council against any elected official on whom a petition is filed the official's term of office is to expire within one hundred eighty (180) days after the petition is filed with the City Secretary or designee.

Section 4.11. District Judge May Order Election.

Should the Council refuse or fail to order any election provided for in this article, when all the requirements have been met by the petitioner's committee it shall then be the duty of the Presiding Judge of any Judicial District of McLennan County, upon application by the petitioners' committee, to order such elections and to enforce carrying into effect the provisions of this Article.

ARTICLE V

MUNICIPAL COURT

Section 5.01. Municipal Court

A municipal court of the City of Robinson is hereby created and shall be maintained for the trial and disposition of misdemeanor offenses with the powers and duties as are now and may hereafter be prescribed by the Constitution and Statutes of the State of Texas, including as a court of record.

Section 5.02. Judge of the Municipal Court.

The Judge of the court shall be an attorney licensed by the State of Texas. The person shall be appointed by the Council to serve a term of Two (2) years and at such salary as may be fixed by the council.

In addition, the City council shall appoint an alternate City Judge who shall be an attorney licensed by the State of Texas. In the event the City Judge is unable to act for any reason, or in the event of a vacancy, the alternate City Judge shall act in the place of the City Judge until such vacancy can be filled.

Section 5.03. Clerk of the Municipal Court.

The City Manager shall appoint a court clerk who shall have the power to administer oaths and affidavits, make certificates, affix the court's seal, and do and perform all act and duties permitted and required of clerks of courts of Texas in issuing processes and conducting the business of said court.

ARTICLE VI

THE CITY MANAGER

Section 6.01. Appointment and Qualifications.

The Council shall, by a minimum of four (4) affirmative votes, appoint or remove a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the Council for the efficient administration of all the affairs of the City. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, and need not, when appointed, be a resident of the City. The manager must, however, reside in the City during tenure in office.

Section 6.02. Term and Salary.

The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the Council by a minimum of four (4) affirmative votes. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to

vest all authority and fix all responsibility for such suspension or removal in the Council. In the case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensations as may be fixed by the Council.

Section 6.03. Powers and Duties of the City Manager.

The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the manager's charge by or under this Charter. The City Manager shall:

- (a). Appoint and, when necessary, for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this Chapter. The City Manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (b). Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.
- (c). Attend all Council meetings and shall have the right to take part in discussion but may not vote.
- (d). See that all laws, provisions of this Charter, and acts of the Council subject to enforcement by the City Manager, or by officers subject to the Manager's direction and supervision, are faithfully executed.
- (e). Prepare and submit the annual budget and capital program to the council.
- (f). Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (g). Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the manager's direction and supervision.
- (h). Keep the Council fully advised as to the financial condition and future need of the City and make recommendations to the council concerning the affairs of the City.
- (i). Examine and execute on behalf of the City, with the approval of the City Council, all contracts, orders, and other documents by which the city incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations become due and payable.
- (j). Perform Such other duties as are specified in the Charter or may be required by the Council.

ARTICLE VII

DEPARTMENTS, OFFICES AND AGENCIES

Section 7.01. General Provisions.

- (a). **Creation of Departments.** The City Council may establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specially so provides, assigned to any other.
- (b). **Direction by City Manager.** All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of Council, the City Manager may serve as the head of one or more such departments, offices or agencies or may appoint on person as the head of two or more of them.

ARTICLE VIII

THE BUDGET

Section 8.01. Fiscal Year.

The fiscal year of the City shall begin on the first (1st) day of October and shall end on the last day of September of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 8.02. Preparation and Submission of Budget.

The City Manager shall, at least sixty (60) days prior to the beginning of each budget year, submit to the City Secretary a proposed budget and an explanatory budget message in the form, and with the contents provided by Section 8.10.

Section 8.03 Budget a Public Record.

The proposed budget and accompanying message and all supporting schedules shall be a public record in the office of the City Secretary open to public inspection during normal office hours.

Section 8.04. Public Hearing on Budget.

As required by law, the Council shall hold a public hearing on the proposed budget as revised, at which all interested persons shall be given an opportunity to be heard, for or against, on any proposed item thereof.

Section 8.05. Action After Public Hearing.

After the public hearing, the Council may adopt the budget with or without amendment. No amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

Section 8.06. Date of Adoption; Failure to Adopt.

The Council shall adopt its annual budget by ordinance, on one reading, by the fifteenth (15th) day of September, or as soon thereafter as practical. Adoption of the budget shall require an affirmative vote of at least a majority of all members of the Council. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. Should the Council take no final action on or prior to the twenty-seventeenth (27th) day of September, the budget as submitted by the City Manager shall be deemed to have been adopted by the Council.

Section 8.07. Effective Date of Budget; Certification, Copies Made Available.

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget as adopted shall be filed with the City Secretary and the County Clerk of McLennan County. The City Secretary shall reproduce sufficient copies for the use of all offices, departments and agencies.

Section 8.08 Budget Establishes Amount to be Raised by Property Tax.

From the effective date of the budget, the amount stated in the budget as the amount to be raised by property tax shall be the amount of the property tax levy for the corresponding tax year.

Section 8.09. Budget Message.

A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, and indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems desirable.

Section 8.10. Budget Contents.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. The budget shall begin with a clear summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures including debt service, for the ensuing fiscal year, and shall be arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

Section 8.11. Supplemental Appropriations.

If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may by ordinance make such supplemental appropriations for the year up to the amount of such excess.

Section 8.12 Transfer of Appropriations

At any time during the fiscal year the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The Manager may transfer part or all of the unencumbered appropriation balances among programs with a department or organizational unit and shall report such transfers to the council in writing in a timely manner.

Section 8.13. Emergency Appropriations.

To meet a public emergency affecting life, health, property, or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.10. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes or time warrants at the lowest rate of interest obtainable, as determined by the City Manager with the approval of the Council, which may be renewed from time to time, but the emergency notes and renewals, of any fiscal year shall be paid not later than the last day of the current fiscal year.

Section 8.14. Reduction of Appropriations.

If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the Council without delay indicating the estimated amount of the deficit, remedial action already taken, and any recommendations as to other steps to be taken. The Council shall then take such other action as it deems necessary to prevent or minimize any deficit and for that purpose it may be ordinance reduce one (1) or more appropriations.

Section 8.15. Appropriations Lapse at End of Year.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that is has not been expended or encumbered, unless otherwise provided by law or ordinance. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

ARTICLE IX
TAX ADMINISTRATION

Section 9.01. Assessment and Collection of Property Taxes.

Assessment and collection of property taxes shall be in accordance with the Texas Tax Code.

Section 9.02. City to Foreclose Tax Liens.

Tax liens shall be foreclosed in accordance with the provisions of state law.

ARTICLE X
ISSUANCE AND SALE OF BONDS; OTHER DEBT INSTRUMENTS

Section 10.01. Borrowing in Anticipation for Revenues Other Than Taxes.

In any budget year, in anticipation of the collection or receipt of revenues other than taxes of that budget year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated “special revenue note for the year _____” (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals shall mature and be payable not later than the end of the fiscal year in which the original notes have been issued.

Section 10.02. Sales of Notes, Report of Sale.

All notes issued pursuant to this article may be sold at not less than par at private sale by the City Manager without previous advertisement. The notes shall bear interest at the prevailing rate. Such sale shall be authorized in advance by the Council as provided in Section 8.13.

Section 10.03. Borrowing.

The City shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

Section 10.04. General Obligation Bonds.

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the law of the State of Texas.

Section 10.05. Revenue Bonds.

The City shall have the power to borrow money for the purpose of purchasing, constructing, improving, extending, or preparing of public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein, pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the law of the State of Texas.

Section 10.06. Bonds Incontestable.

All bonds of the City having been issued and sold and having been delivered to the purchaser thereof shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall, and after said exchanges, be incontestable.

ARTICLE XI

FRANCHISES AND PUBLIC UTILITIES

Section 11.01. Powers of the City.

Based on its control of its streets and rights-of-way the city has the power to confer franchises to public utilities on terms set by ordinance except as otherwise provided by state law.

ARTICLE XII

MUNICIPAL PLANNING AND ZONING

Section 12.01. Platting of Property.

Every owner of any tract of land situated within the corporate limits of the City, or within any area over which the city may have jurisdiction under State Law, who may divide the same into two (2) or more parts for the purpose of laying out any subdivision or any addition to the City shall comply with the provisions of Chapter 212 of the Local Government Code of Texas, all amendments thereto, and said Chapter 212 and amendments are hereby adopted.

Section 12.02. Development of Property.

No expenditure of public funds shall be authorized by the council for privately owned subdivisions situated within or beyond the limits of the City except for the extension of utilities or services provided by the City to such area.

Sec. 12.03. The Planning and Zoning Commission.

The Council shall by ordinance create a City Planning and Zoning Commission in accordance with the requirements of state law and shall by ordinance provide for the number of commission members, which shall not to be less than five (5) nor more than nine (9), and two (2) alternates. Members (and alternates) are appointed by the City Council for two (2) year terms. The time and manner of appointment shall be provided for by ordinance, and places shall be established. Vacancies shall be filled by the Council.

Sec. 12.04. Organization, Meetings and Powers of the Commission.

The Council shall by ordinance provide for the organization of the commission, the frequency and conduct of its meetings, and its powers and duties beyond those provided by state law.

Sec. 12.05. Board of Adjustment.

The council shall appoint the Board of Adjustment with all the powers and duties conferred in Chapter 211 of the Local Government Code of the State of Texas as now or hereafter amended.

ARTICLE XIII

GENERAL PROVISIONS

Section 13.01. Sale of City Property, Procedure.

Any surplus personal property belonging to the City shall be disposed of by any legal method, as prescribed by Council.

Section 13.02. Purchase Procedure.

Before the City makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, as prescribed by state law or the City Council.

Section 13.03. Contracts for City Improvements.

Any City improvement shall be executed by contract secured by performance and payment bonds in the full amount of the contract whenever required by state law.

Section 13.04. Oath of Office.

Every officer of the City, whether elected or appointed, before entering upon the duties of office shall take and subscribe to the appropriate oath or affirmation to be filed and kept in the office of the City Secretary.

Section 13.05. Publicity of Records.

All record and accounts of every office, department, or agency of the City shall be open to inspection during regular business hours. Provided that such police records, vital statistics records, or other records, which are closed to the public by law shall not be considered public records for the purpose of the section.

Section 13.06. Official Newspaper.

The Council shall have the power to contract annually with, and by resolution designate, a public newspaper of general circulation in the City as official newspaper thereof, and to continue as such until another is designated; and shall cause to be published therein all ordinances or captions thereof, notices and other matter required to be published by this Charter, by the ordinances of the City, or by the Constitution and Laws of the State of Texas.

Section 13.07. Notice of Claim

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article 1, section 17, Constitution of the State of Texas, the person injured, if living, or his representatives, if deceased, or the owner, his agent or attorney, of the property damaged or destroyed shall give the City Manager or City Secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within sixty (60) days or within six (6) months for good cause shown from the date the damage or injury was sustained, stating specifically in such written notice when, where, and how the death injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it has relied to establish the claim for damages. No action at law for damages shall be brought against the City for such death, injury, damage or destruction prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the City Manager or the City Secretary. After the expiration of the sixty (60) days aforementioned, the complainant may then have two (2) years from the date of the occurrence in which to bring an action of law.

Section 13.08. Assignment, Execution and Garnishment.

The real and personal property belonging to the City shall not be liable for sale or appropriation under any writ of execution or cost bill. The funds belonging to the City in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever.

Section 13.09. Security or Bond.

It shall not be necessary in any action, suit or proceeding in which the City is a party for any bond, undertaking or security to be executed in behalf of the City, but all actions, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given and the City shall be liable in the same manner and to the same extent as if the bond, undertaking or security required in ordinary cases had been given and executed.

Section 13.10 Personal Interests

Any member of the Council, officer or employee of the City who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest to the Council and shall refrain from voting upon or otherwise participating in his capacity as a council person, officer or employee in the making of such sale or in the awarding or performance of such contract. Any council person, officer or employee who violates the requirements of this section shall be guilty of malfeasance and shall forfeit his office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City Manager or the Council.

Section 13.11. Nepotism.

No person related within the second degree by marriage or the third degree by blood to any member of the Council or to the City Manager shall be appointed to any office, position, clerkship or other service of the City. This prohibition shall not apply to any person who shall have been employed by the City for a period of six (6) months prior to and at the time of the election or the appointment of the official so related to him.

Section 13.12. Power to Settle Claims.

The council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

Section 13.13. Judicial Notice.

This Charter shall be held a public act, and shall have the force and effect of a general law; may be read in evidence without pleading or proof and judicial notice thereof shall be taken in all courts and places without further proof.

Section 13.14. Severability Clause.

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

Section 13.15. Amending the charter.

Amendments to this Charter may be framed and submitted to the electors of the City by a Charter Commission in the manner provided by law.

CERTIFICATION

**City of Robinson
Amended City Charter
Official Copy**

The City Council of Robinson Texas, adopted the foregoing Amended City Charter on June 1, 2021 by Ordinance 2021-014

CITY OF ROBINSON, TEXAS


Bert Echterling, Mayor

ATTEST:


Misty Cryer, City Secretary